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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,658	09/28/2001	Hiroki Yoshida	35.C15836	3504
5514	7590	04/13/2005	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			PHAM, HAI CHI	
			ART UNIT	PAPER NUMBER
			2861	

DATE MAILED: 04/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/964,658

Applicant(s)

YOSHIDA, HIROKI

Examiner

Hai C. Pham

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 January 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1, 19, 20, 24, 32, 35, 38, 54, 74, 75, 82, 95 and 120-127 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1, 24, 32, 35, 38, 54, 74, 75, 82, 95 and 120-125 is/are allowed.
- 6) ☒ Claim(s) 19, 20, 126 and 127 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All * b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 126, 127, 19/126-127, 20/126-127 and 127 are rejected under 35 U.S.C. 102(b) as being anticipated by Ando (U.S. 5,991,063).

With regard to claim 126, Ando discloses a multi-beam scanning optical apparatus comprising light source means (laser 1, Fig. 1) having a plurality of light emitting portions light-emitting points 2A and 2B, Fig. 2), the light emitting portions emitting a plurality of light beams whose polarization directions (1A and 1B, respectively) are neither parallel nor orthogonal with each other (Fig. 2) (col. 5, line 59 to col. 6, line 4), incident optical means (collimator lens 2 and cylindrical lens 5) for carrying the plurality of light beams emitted from the light emitting portions of said light source means onto deflection means (polygon mirror 6), and scanning optical means (scanning lens 7) for forming images of the plurality of light beams deflected by deflection means on a surface to be scanned (photosensitive drum, Fig. 1), said scanning optical means having at least one scanning optical element made of a resin (scanning lens 7 being made of plastic), and polarized light limiting means (polarizer 10) inserted into an optical path between said light source means and the scanning optical element.

With regard to claim 127, Ando teaches adjustment means (polarizer 10) for independently adjusting polarization directions of the light beam emitted from the plurality of light emitting portions (the polarizer 10 served as a polarization limiting means for individually adjusting each of the two light beams emitted by the respective light-emitting points 2A and 2B such that the differing polarization directions 1A and 1B of the respective light beams become parallel (e.g., parallel polarization directions 2A' and 2B', Fig. 2).

With regard to claims 19 and 20, Ando discloses a control means (3) (Fig.1), and although Ando is silent on the inclusion of a developer, a transfer device, the fixing device, and the conversion of the input data into image signal, it is however well known in the printing art that the above devices as well as the data conversion are inherently provided with the optical scanning device disclosed by Ando to form a complete laser printing system.

Allowable Subject Matter

3. Claims 1, 24, 32, 35, 38, 54, 74, 75, 82, 95, 120-125 are allowed.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai C. Pham whose telephone number is (571) 272-2260. The examiner can normally be reached on M-F 8:30AM - 5:30PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Talbott can be reached on (571) 272-1934. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



HAI PHAM
PRIMARY EXAMINER

April 11, 2005